



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MARAIO,

Plaintiff,

- against -

CMSG RESTAURANT GROUP, LLC dba
LARRY FLYNT'S HUSTLER CLUB et al.,

Defendants.
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22-CV-2178 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On November 10, 2022, the parties filed a proposed settlement agreement and requested approval pursuant to *Cheeks v. Freeport Pancake House*. (Dkt. 28) (incorrectly designated as a request for leave to file excess pages). Unless the parties consent to my jurisdiction for all purposes, review and approval of the settlement agreement falls under the jurisdiction of District Judge Gardephe.

Additionally, the Court notes at least two potential concerns with the proposed settlement agreement, which the parties will need to remedy or address in a supplemental filing: (1) Plaintiff's stipulation, for settlement purposes only, to being a non-employee, even though an employment relationship is required for recovery; and (2) the provisions requiring confidentiality, which generally are not appropriate for settlement of an FLSA case.

SO ORDERED.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 14, 2022
New York, New York